

RESOLUTION NO. R-2011- 1674.1

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2011-00924
(CONTROL NO. 1995-00034)
a Class A Conditional Use
APPLICATION OF Sandra C Slomin for Sannlor Prop. II LLC
BY Urban Design Kilday Studios, AGENT
(Roslyn and Raymond Slomin Campus)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application Z/CA-2011-00924 was presented to the Board of County Commissioners at a public hearing conducted on October 27, 2011; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Class A Conditional Use .

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application Z/CA-2011-00924, the petition of Sandra C Slomin for Sannlor Prop. II LLC, by Urban Design Kilday Studios, agent, for a Class A Conditional Use to allow a Daycare, General and a School, Elementary or Secondary in the RT Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 27, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

The motion was seconded by Commissioner Vana and, upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair

- Aye

Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Burt Aaronson	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Absent

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 27, 2011.

Filed with the Clerk of the Board of County Commissioners on November 1, 2011.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

THE EAST HALF (E.1/2) OF THE SOUTHWEST QUARTER (S.W.1/4 OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

ALSO DESCRIBED IN THAT CERTAIN SURVEY PREPARED BY O'BRIEN, SUITER & O'BRIEN, INC., ENGINEERS, SURVEYORS, LAND PLANNERS, DATED JANUARY 11, 1995 AND KNOWN AS ORDER NO. 83-311D8, AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS SAID SOUTHWEST CORNER HAS BEEN USED HISTORICALLY, BY O'BRIEN, SUITER & O'BRIEN, INC., LAND SURVEYORS, AND BY FLORIDA SURVEYING AND MAPPING, INC., FOR THE SURVEY OF MORIKAMI PARK AND FITS THE OCCUPATION IN SAID SECTION 27, AS REFERRED TO IN OFFICIAL RECORD 4534, PAGE 473 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 0°09'56" EAST, ON AN ASSUMED BEARING , ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 1360.09 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SAID SECTION 27; THENCE NORTH 89°49'26" EAST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 27, A DISTANCE OF 334.73 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF (E.1/2) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SAID SECTION 27 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°49'26" EAST ALONG THE SOUTH LINE OF THE SAID EAST HALF (E.1/2) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4), A DISTANCE OF 334.73 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 0°09'29" EAST ALONG THE EAST LINE OF THE EAST HALF (E.1/2) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SAID SECTION 27, A DISTANCE OF 680.15 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89°48'53" WEST, ALONG THE NORTH LINE OF SAID EAST HALF (E.1/2) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 27, A DISTANCE OF 334.69 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 0°09'42" WEST, ALONG THE WEST LINE OF SAID EAST HALF (E.1/2) OF THE SOUTHWEST QUARTER (S.W.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SAID SECTION 27, A DISTANCE OF 680.10 FEET TO THE POINT OF BEGINNING.

LESS THE SOUTH 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 217,600 SQUARE FEET (4.9954 ACRES), MORE OR LESS

EXHIBIT B
VICINITY SKETCH

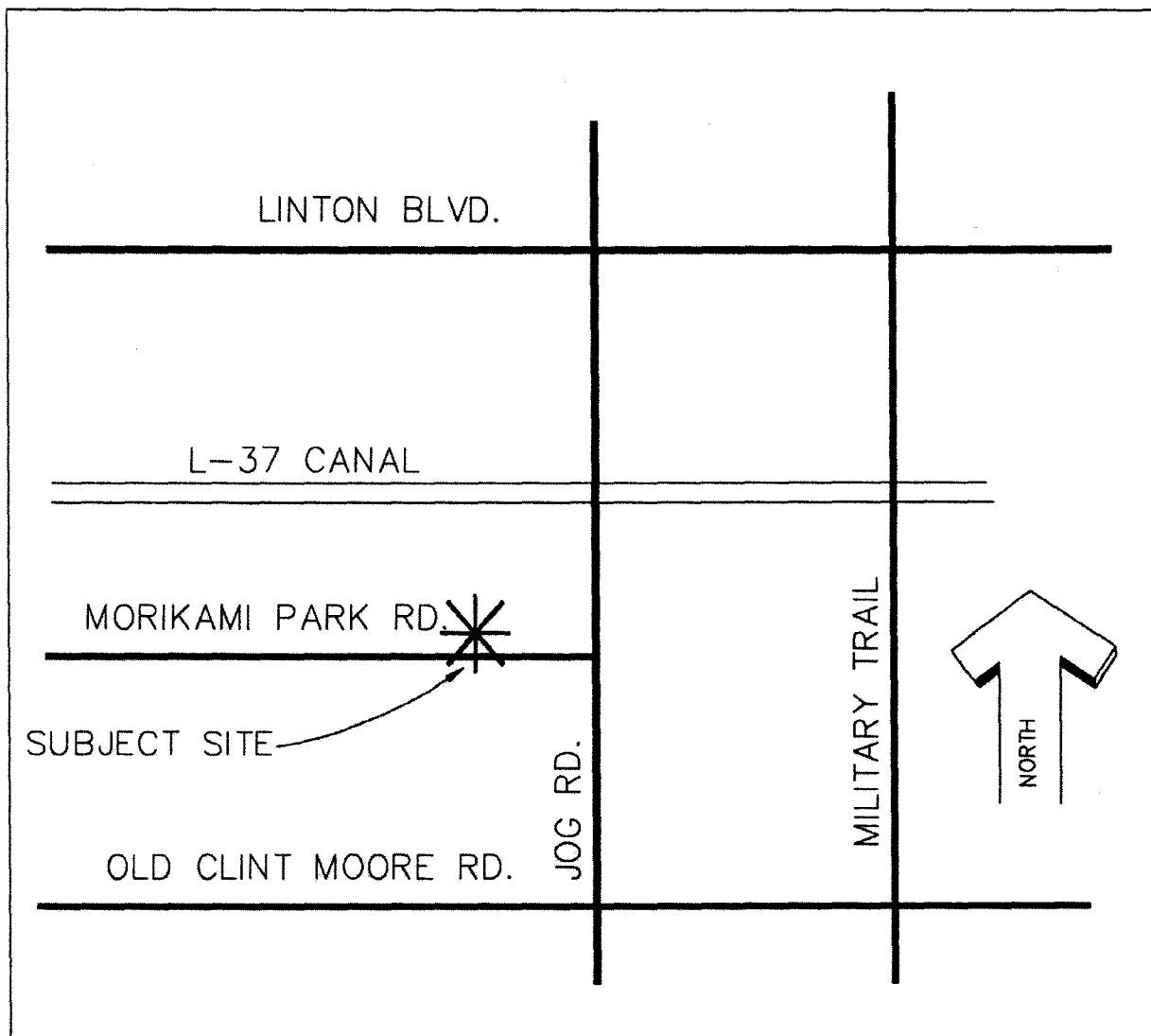


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site shall be generally consistent with the Preliminary Site Plan dated October 5, 2011 and approved by the Board of County Commissioners (BCC). Modification of the site design may be allowed pursuant to Conditions of Approval or in accordance with Article 2 of the Unified Land Development Code (ULDC). Replacement of a use by another use listed as permitted by right or permitted subject to approval by the Development Review Officer (DRO) may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by Conditions of Approval or the ULDC must be approved by the BCC. (ONGOING: ZONING-Zoning)

ARCHITECTURAL REVIEW

1. All future development shall be consistent with Article 5.C of the Unified Land Development (ULDC), the Development Review Officer (DRO) approved Site Plan, all applicable Conditions of Approval, and all ULDC requirements. (BUILDING PERMIT: ARCH REVIEW - Zoning)

BUILDING

1. Prior to the issuance of the first Building Permit for the Daycare or School use; or, February 24, 2012 whichever shall first occur, all existing inactive or incomplete Building Permits shall be reactivated and completed. (DATE/BUILDING PERMIT: BUILDING - Bldg)

2. Prior to commencement of the General Daycare or School use, Building Permits for Change of Occupancy classification shall be obtained. (ONGOING: CODE ENF - Bldg)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2017. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Prior to October 27, 2012, the property owner shall create a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

3. Prior to final site plan approval by the Development Review Officer (DRO), the property owner shall record an agreement, acceptable to the County Engineer, in the public records to establish legal positive outfall and access. (DRO: ENGINEERING - Eng)

SIGNS

1. Prior to the issuance of the first Building Permit or February 24, 2012 whichever shall first occur, the existing sign along the west property line shall be demolished and the sign demolition permit completed unless both a variance from required setback and an easement for the sign are obtained. (DATE/BUILDING PERMIT: BUILDING - Zoning)

SITE DESIGN

1.The property owner may relocate uses subject to Unified Land Development Code (ULDC) Art. 2.D.1.G by a maximum of 7,000 square feet for the Daycare or School use. (ONGOING: ZONING - Zoning)

2.Building B shall be limited a maximum of one (1)-story and twenty-five (25) feet in height. (DRO: ZONING - Zoning)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2.Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, SHARON A. BOOK, Clerk and Comptroller
 certify this to be a true and correct copy of the original
 filed in my office on OCT 27 2011
 dated at West Palm Beach, Florida 11-2-11
 by Sharon A. Book
 Deputy Clerk